

# Quid Novi

CRA

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McGill University Faculty of Law  
Faculté de droit de l'Université McGill

October 20, 1997  
le 20 octobre 1997

Texte ou PRÉTEXTE?

## Caprices d'un finissant aux buts douteux

PHILIPPE DUFRESNE  
NAT IV

*C'est en regardant par la fenêtre d'un chalet à St-Donat que je me suis rendu compte pourquoi j'aime tant l'automne. Le regard ébloui par toutes ces couleurs et par le calme de la rivière laissée à elle-même, je compris que c'est probablement de cette dernière des saisons de l'année que vient l'expression: le chant du cygne. Comme l'oiseau de la métaphore qui produit sa mélodie la plus parfaite avant de mourir, les feuilles de nos arbres s'ornent de leurs plus beaux apparats avant de faire face à leur destin aux mains du vent inlassable.*

What I basically mean is: I hope you had a terrific Thanksgiving weekend. As for the apparent poetics involved in the above thought, they are the unavoidable consequence of writing an article while drinking a glass of red wine, listening to the surreal voice of Loreena McKennitt.

Speaking of which. Any stressed law student really ought to buy (or have conveyed onto and to the use of A, in trust for said student) her penultimate album: *The Mask and the Mirror*. Once you have it, sit down, light a fire if you have a hearth, close your eyes and listen to the song: "The Dark Night of the Soul". Sounds depressing? Have no fear. This woman has the sweetest voice I have yet to hear (with apologies to all singers in the Faculty!) and she could calm the most paranoid student on December 10 or so. Try it and let me know! All I can say is that upon hearing some of her lyrics, I vowed to a friend that would Loreena only ask, I would marry her outright (this was before I took Family Law).

Dans cet article, j'ai envi de vous parler des plaisirs

Suite en page 12

## Top Ten Surprises I Found On My Verification Form

STEVEN LEITMAN  
BCL IV AND NAT IV

- 10) I'm really enrolled in Bachelor of Farming at the MacDonald Campus.
- 9) I was given 312 credits for Foundations.
- 8) My academic advisor is Old James McGill.
- 7) When I graduate, attached to my diploma will be the fan from room 102.
- 6) New fill-in-the-blank section lets you change your marks.

- 5) I am expected to graduate in the 14th month of 2009.
- 4) It says that I'm ticklish.
- 3) They finally replaced the totally huge verification forms with normal-sized paper.
- 2) It contains the stats from Claude Loiselle's NHL career.
- 1) It was printed in hot pink toner.





# O. U. S.

## Announcements

**COURSE CHANGE PERIOD FOR WINTER TERM COURSES:** MARS will be open as of Tuesday, October 28, 1997 through to Sunday, January 18, 1998 for any course changes and withdrawals for the winter term. During the Course Change period, you may access MARS to drop and add courses for the Winter (B) Term as many times as you desire.

## Upcoming Events

**MMACC/CCAMM:** Next conference: October 22 1997

Me Brigitte Garceau, Robinson, Sheppard, Shapiro

Family Mediation

12:30 p.m. in the Moot Court Room

**Annie MacDonald Langstaff Workshop :** Margaret Thornton from La Trobe University, Victoria, Australia, on "Sexing the Citizen." October 22, 12:30, room 202.

**Speaker.** Charlotte Bunch on "Women's Rights as Human Rights: Directions for the Future." Monday October 27, 6 PM Stephen Leacock Building, Room 232.

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## Jobs



### Summer and Articling Positions. Lawson Lundell Lawson & McIntosh

We have a strong contingent of McGill graduates at our firm and we hope to continue to attract top students interested in practising with a large firm in Vancouver. We interview out-of-province students for summer positions between mid-December and mid-January. Our articling interviews for the 1999/2000 year will take place in Vancouver in August, 1998. Students who are interested in a summer student position for the summer of 1998 should submit their resume to Valerie C. Mann no later than November 30, 1997. Any student interested in our firm should feel free to contact Valerie Mann with any questions they may have about the summer or articling programs. Address: Lawson Lundell Lawson & McIntosh, 1600 Cathedral Place, 925 West Georgia Street, Vancouver, B.C., Canada V6C 3L2, Phone: (604) 685-3456, Fax: (604) 669-1620, E-mail: [vcmann@lawsonlundell.com](mailto:vcmann@lawsonlundell.com)

**Braman Barbacki Moreau** of Montreal is a corporate/commercial firm with particular expertise in taxation and international planning. The clientele consists primarily of small

and medium-sized businesses and their owners/managers. An innovative and team-based approach is emphasized. Nous desirons engager un(e) étudiant(e) pour un emploi d'été en 1998 et/ou d'hiver en 1999, avec possibilité de stage en 1999. Le travail à temps partiel pendant l'année est encouragé mais non requis. La candidature idéale proviendra d'un(e) étudiante d'année supérieure, bien que nous soyons aussi intéressés à rencontrer des étudiant(e)s de 1ère et 2ème année. Interviews will be conducted shortly. Interested candidates should forward their curriculum vitae and most recent transcripts to: Richard Barbacki, Suite 2707, 1 Place Ville-Marie, Montreal, Quebec, H3B 4G4

### Information Session for Supreme Court Clerkships

Upper year students who are interested in Supreme Court clerkships are invited to attend an information session on Wednesday, November 5th, at 1:30 in Room 202. You should note that a clerkship at the SCC is recognized as articles (or parts thereof) in all provinces and that this year's competition is for positions starting in September 1999. Les détails du concours sont affichés dans le corridor du sous-sol (NCDH). Le but de la session d'information est de vous renseigner sur le processus interne qui précède l'envoi des candidatures à la Cour ainsi que sur les critères de sélection retenus par les juges. Ce sera aussi l'occasion pour vous de poser des questions sur tous les aspects des stages à la Cour suprême. The information session will be run by Prof. Saumier, who is coordinating the clerkship application process this year. Please direct any questions or queries to her ([saumie\\_g@falaw](mailto:saumie_g@falaw); tel.: 6628).

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Written contributions must be submitted in electronic form, in either Microsoft Word 6 or less or WordPerfect 6 or less. Disks or artwork can be left in the Quid Novi box in the LSA office or at the Quid Novi office. Written contributions can also be sent by e-mail. Deadline is each Wednesday at 12:00.



# THE LAND

## Life at the Uni

# DOWN UNDER

STEPHANIE JOHNSON &  
DOMINIQUE LAPIERRE  
NAT IV

We've been talking a lot about the "extra-curricular" activities in Melbourne since we first started this column, so we figured it was about time we told you a little something about what is supposed to be our main point of interest here: the Uni.

Une journée typique sur le campus de l'Université de Melbourne c'est un peu comme vivre l'expérience de l'émission Double Défi. Ça commence inévitablement par le risque de rentrer dans quelqu'un, non seulement parce que ça grouille d'étudiants de partout mais parce que la majorité est trop préoccupée pour vous remarquer étant donné les conversations importantes qu'ils semblent tous avoir sur leur téléphone cellulaire. Une fois cette première épreuve surmontée, vous vous rendez à votre cours, qui n'est malheureusement jamais annulé sous prétexte que le prof est absent. Le seul "avantage" de ceci, c'est que votre horaire n'est jamais foutu en l'air par des make-up. Les cours comme tels sont très intéressants mais ce qui rend l'épreuve difficile c'est qu'il n'y a pas de bibliothèque en construction ou de fan bruyante. Resultat: ça fait plus de notes de cours à prendre parce qu'on peut entendre (mais pas nécessairement comprendre) ce que les profs disent. Quant à la façon d'approcher les profs, l'atmosphère est généralement assez relax. Avez-vous déjà pensé (sérieusement bien

entendu) à appeler le Professeur Kasirer: Nick ou Professeur Jutras: Danny Boy? Et bien Melbourne en est rendu là. On s'est même tapé un Yum Cha (ie: traduction australienne de Dim Sum) dans le quartier chinois un dimanche après-midi, avec notre prof de Law and Civil Society in Asia (Sarah) et ses amis.

For those times when you feel the urge to study (yeah, whatever) you can always head to the Law Library. If you thought ours was horrible, you should see the one here. Tough! No lights, no windows, no books and cubicles galore! At least when it comes to writing your papers (or plethora of e-mails), there are always computers available and you can actually print all your stuff for FREE! The magic word for students living abroad...

When lunchtime comes around, the tension is alleviated (relatively speaking of course: we are on exchange after all...). You should see the cafeteria food! It's actually good! How does an Indian vegetable curry with papadum sound? And lest we forget the student run Co-Op... Homemade cakes, muffins, pumpkin pies, pasties and rolls for under \$1.60! Yes. Less than two dollars for a really good meal! To accompany this delightful spread, you can get a decent coffee anywhere on campus and not just "du jus de bas": cappuccino, latte, moccacino, espresso... Need we say more? The best part is that you can enjoy your lunch (with a thousand other students) sitting

outside, listening to a great new band every week or browsing through a daily public market of hippy clothes, five dollar watches and funky jewelry.

Well, that just about sums it up for life at the Uni, not to mention we have to dash off to our next class: Salsa and Rock&Roll 101. In the meantime, just remember that Jesus Loves You! Or so they keep reminding us everyday on campus...

PS: a big hello to our Number 1 fan in BCL I. You know who you are!

## 20 Tips on submitting a brilliant job application

DOMINIC C. BELLEY

BCL II

CO-CHAIR, PLACEMENT  
OFFICE

The Placement Office recently held its second Luncheon Seminar and again the room was packed with students wishing to learn more about the recruiting process and increase their chances of making a good impression with law firms.

Cette fois, le séminaire traitait de la lettre de présentation et du curriculum vitae et était commandité par le cabinet d'avocats pan-canadien McCARTHY TÉTRAULT. Les

Suite en page 10

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# Lessons to be Learned from Maclean's- Revisited

STEPHEN J. TOOPE  
DEAN

For the last year or so, I have been negotiating with *Maclean's* on behalf of all of the Canadian law faculties in preparation for the *Maclean's* survey of legal education. Partly because I had been so involved in the process, and because I felt people should draw their own conclusions from the survey, I had not intended to offer any public reaction to the survey. However, after reading the article in last week's *Quid* entitled "Lessons to be Learned from *Maclean's*" (by Victor N. Constantinescu), it seemed that I should try to clarify a few issues and offer some of my own perceptions.

First, and most importantly, *Maclean's* did not purport to offer an overall ranking of Canadian common law faculties. If you read the articles and tables closely, you will discover that there are a range of indicators, and that none of them is weighted vis-à-vis others. Therefore, it is completely inaccurate to suggest that McGill ranked "only sixth" in the *Maclean's* survey. The whole point of the survey was to provide a wide range of indicators, and the Canadian law faculties performed differentially on the different indicators. Having said that, the "spin" in Canadian legal circles and in the media across the country is that three faculties stood out in the survey, those of the University of Toronto, the University of Victoria and McGill. From McGill's perspective, this result is a remarkable achievement, given that the survey was intended to address only "common law faculties". I don't have to tell you that McGill is not a "common law faculty". Although we offer a three-year LL.B. programme, the main focus of the Faculty is the National Programme. In that sense, a large part of what we do at McGill was simply excluded from con-

sideration in *Maclean's*.

On a number of indicators which are of great importance to you, McGill performed exceptionally well. I would note in particular McGill's high rankings in the reputational survey (quality of the law faculty), graduates' perception of the quality of teaching, and, of course, our remarkably rigorous, yet diversified, admissions standards. The perception across the country and internationally that McGill is one of the two top common law faculties in Canada is obviously important for job prospects and for the perceived integrity of your degree. The fact that our admissions standards are so high ensures that the positive perception of our graduates will be maintained and enhanced. The fact that teaching is well appreciated by recent graduates suggests that McGill will continue to attract the best law students in Canada.

The "sixth place finish" referred to in last week's *Quid* speaks only to one of the tables in the *Maclean's* survey, a table which purported to amalgamate a whole series of different responses of recent graduates to a series of questions. Law faculties across the country have rejected this amalgamation, and at an upcoming meeting of Canadian law deans the issue of the *Maclean's* survey, and its rather imprecise methodology, will be discussed. One of the areas of greatest concern is the graduate survey. *Maclean's* has not provided any data as to the number of respondents to this survey, differentiated by faculty. It is impossible to know whether 10 recent graduates of McGill responded, or 100, or 1,000. Each faculty across the country would obviously wish to know these statistics in order to weigh the responses.

Despite these quibbles, I believe that there are lessons to be learned from *Maclean's*. Happily, they are lessons that the Faculty had already digested, from our own perceptions and from our own

recent surveys of students and graduates. The first lesson is that our physical facilities need urgent attention. The new Nahum Gelber Law Library will address many of these concerns. The atrium that will link the new library to Old and New Chancellor Day Halls will provide wonderful new space for student relaxation and activities. In addition, the University has made a submission to the Government of Quebec for major funding to completely renovate New Chancellor Day Hall, as soon as the current library is vacated, and to restore Old Chancellor Day Hall and the Angus McIntyre House at 3674 Peel. Over the next few months a team of professors and students will be working to develop the programme for these renovations. You will be consulted as to what is required from your perspective.

The second lesson is that recent graduates are concerned about the "relevance" of our curriculum. Although this perception must be weighed against the reputational survey which ranked McGill highly, curriculum issues deserve close attention within the Faculty. Again, those of you who follow the current debate will know that for the last 18 months curriculum reform has been at the top of the Law Faculty's agenda. I very much hope that concrete proposals will be brought forward this term for the consideration of Faculty Council. A third lesson from *Maclean's* is that our library collections are not adequate to the mission of the Law Faculty. In the last capital campaign, which produced our new library building, collections were also given high priority. Unfortunately, it is notoriously difficult, surprisingly so in my view, to raise money from donors for collections. Nonetheless, roughly \$750,000 was pledged to enhance the library collections during that campaign. Over the next few years, I have established two fundraising priorities for the Faculty:



library collections and student aid. I am working closely with the Faculty Development Officer and with volunteers to make proposals to funders for substantial enhancements to the library collections. I hope that I will be able to announce new gifts over the next few months.

One final point of clarification. On one or two indicators, *Maclean's* simply made a mistake when addressing the situation at McGill. Fortunately, the mistake was in our favour, but I did want to draw it to

your attention. It seems that *Maclean's* may have used only the numbers of students registered initially in the LL.B. Programme to determine student-staff ratios and the ratio of students to computer work stations. It would be marvelous to have a student-staff ratio of 8 to 1. I think that the real ratio is roughly 15 to 1. In conclusion, I must emphasize that I have little faith that magazine surveys produce accurate pictures of legal education. Nonetheless, if they are going to take place, one would rather do well than

badly. I am sad to say that some of our sister institutions will be damaged by the *Maclean's* survey. I was disappointed that *Maclean's* chose to use the language of "best" and "worst". It seems to me that it would have made more sense to talk about the diversity of aspirations and challenges that characterize the various law faculties across Canada. So let's all take some pleasure where we can in this survey, but I don't think that we should take it all too seriously.

# Coups de coeur

MYRIAM BOHÉMIER  
NAT IV

Long time no see! La semaine passée, j'étais dans le jus et je n'avais pas le temps d'écrire pour le Quid. Quand est-ce qu'on n'est pas dans le jus, vous me direz. C'est vrai. Sauf que je l'étais plus que d'habitude. J'ai malgré tout eu le temps de lire le deuxième tome de la "Dame de Monsoreau" d'Alexandre Dumas. "La Dame de Monsoreau" est la suite de la "Reine Margot". L'histoire ne repart pas exactement où Dumas l'avait laissée dans "la Reine Margot" et les Roi et Reine de Navarre ne sont pas très présents dans "La Dame de Monsoreau." L'histoire tourne autour des deux frères, Henri III et le Duc d'Alençon devenu le Duc d'Anjou. L'un se bat pour conserver le trône, l'autre pour le lui prendre. Le Duc de Guise (premier amant de la Reine Margot) s'essaye lui aussi. C'est grâce au fou du Roi, Chicot, si Henri III ne se fait pas avoir. Ce fou est loin de l'être! Si vous vous rappelez Cocoonas et de La Mole dans la "Reine Margot", et bien l'un des gentilhommes du Duc d'Anjou se fait encore avoir! Le Duc l'entraînera dans un guet-apens et puis il lui tirera les dernières balles qui l'achèveront. Quel ami sympathique! Si vous avez aimé la Reine Margot, vous aimerez La Dame de Monsoreau. Le Comte de Montecristo est aussi excellent.

L'autre jour, j'ai eu une envie de m'acheter plein de livres. Il faut dire que ça tombait bien parce que j'étais dans le

Renaud-Bray de Brossard. Heureusement, vous pouvez obtenir certains grands classiques pour 3.95\$. J'ai acheté "La Dame aux Camélias" d'Alexandre Dumas fils, "Madame Bovary" de Gustave Flaubert "La Princesse de Clèves" de Madame de Lafayette. Il y a plein d'autres classiques que vous pouvez vous procurer, comme "Le Rouge et le Noir" de Stendahl, "David Copperfield" de Charles Dickens, plusieurs livres de Georges Sand, de Balzac et d'Émile Zola, et j'en passe. Si le coeur vous dit de lire autres choses que du droit, allez faire un tour!

Ah! Lire! Je m'ennuyais tellement de lire que je ne peux plus m'en passer. Vous savez, lire pour le plaisir. Et puis tous les bons auteurs (ou presque) qui vivent ont sorti un nouveau roman ces derniers temps. Daniel Pennac, Alexandre Jardin et Tonino Benacquista pour n'en nommer que quelques-uns. Il n'y a que Sébastien Japrisot (l'auteur le plus élevé dans ma hiérarchie de chouchous encore en vie) qui n'a rien pondu. Ma liste de cadeaux de Noël est déjà faite!

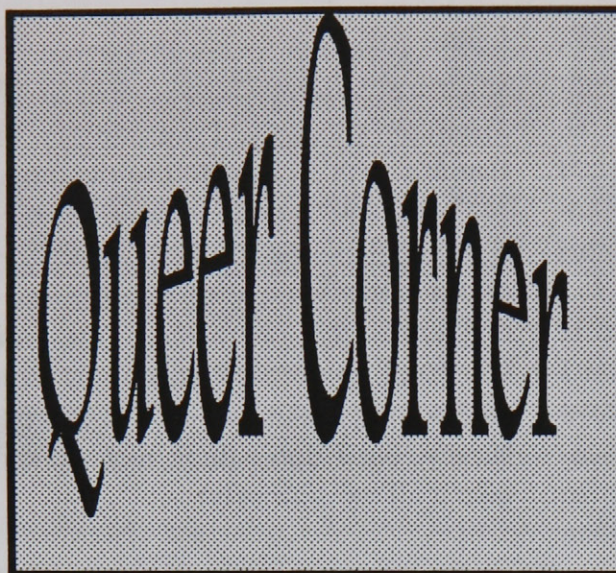
J'ai d'autres coups de coeur ces temps-ci, entre autres le nouvel album de Sarah McLachlan. C'est un album très doux, simple. Ce n'est pas un album où il n'y a que deux ou trois bonnes chansons. Toutes se valent, selon moi. Toutefois, ce n'est pas non plus un album pour les gros

hits, c'est-à-dire que les chansons ne me paraissent pas du type qui joue souvent à la radio, sauf en ce qui concerne "Building a Mystery". En fait, c'est justement la qualité de cet album : Sarah a écrit des chansons qui lui ressemblent, plutôt que des chansons pour le marché. Au HMV sur Ste-Catherine, vous pouvez demander au comptoir expressément prévu à cet effet d'écouter n'importe quel album avant de l'acheter. Ça évite de se faire jouer des tours!

Certaines émissions de télévision me passionnent aussi, comme par exemple Omertà II. Ouah! Elle est méchante la mafia! Dans la série, les motards ont l'air des anges à côté. C'est quand même bizarre parce que dans la réalité, on parle beaucoup plus du grabuge des motards que de la mafia. Je regarde le rôle de l'avocat et je ne voudrais pas être à sa place. Je me dis qu'il doit bien avoir des avocats à Montréal qui sont pris à faire ce que veut la Mafia ou les motards. J'en ai des frissons dans le dos! Si vous n'avez jamais écouté Omertà, je vous invite à le faire (une émission de télévision par semaine, ça ne peut faire de mal à personne!) le lundi soir à 9hrs à l'antenne de Radio-Canada.

Bon, alors je vous souhaite une bonne semaine. Les finissants, n'oubliez pas d'aller faire prendre votre photo cette semaine. C'est déjà un pas vers la fin!





## Lesbigay Issues

# Comment on Kane v. Ontario

NORA BEDNARSKI  
LL B III  
SEXUAL MINORITIES  
AND THE LAW

6

The Ontario Court of Justice recently held that the definition of "spouse" in Ontario's Insurance Act must be extended to include gay and lesbian couples (*Kane v. Ontario*). Although the case will surely be appealed to the Ontario Court of Appeal, and likely even to the Supreme Court of Canada, it sets the stage for very exciting developments in the struggle for same-sex spousal recognition.

The *Kane* case is particularly interesting because it so closely parallels *Miron v. Trudel*, [1995] 2 S.C.R. 418, and challenges the non-recognition of same-sex couples in the definition of spouse, as was at issue in *Egan v. Canada* [1995] 2 S.C.R. 513. Were it to hear *Kane*, the Supreme Court would be pushed to reconcile its somewhat inconsistent public-policy based decisions in those two cases.

The Ontario Insurance Act provides that the surviving spouse of someone insured is entitled to claim a death benefit. Kelly Kane sought such a payment upon the death of her partner in a car accident. The claim was denied because her spouse was a woman.

Cynthia Petersen, Kane's lawyer, argued that the definition of

"spouse" in s.224(1) of the Insurance Act (limited to someone of the opposite sex) breaches s.15 of the Charter, and as such is unconstitutional.

Although all nine judges in *Egan* had agreed that sexual orientation is an analogous s.15 ground of discrimination, marriage was described as a social institution that "has been firmly grounded in our legal tradition." The court had held that because an underlying consideration of Parliament's in protecting legal marriage is that of procreation ("bringing forth children"), the exclusion of same-sex couples (who do not "procreate") from pension benefits was rationally connected to the objectives of the legislation. Thus, it was saved by section 1 of the Charter.

In *Kane*, the A.G. Ontario followed the *Egan* s.1 analysis, and argued that the objective of limiting the definition of spouse in the Insurance Act to someone of the opposite sex was to foster and to support the concept of the heterosexual family where procreation and nurturing of children is the cornerstone of the relationship.

In *Miron*, however, the Supreme Court of Canada had held that because the Ontario Insurance Act limited accident benefits to legally married spouses (denying benefits to common law spouses), provisions of the Act infringed s.15(1) of the Charter. In its section 1 analysis the court found that the functional value of the Insurance Act (limiting the

burden of accidents on family members was not rationally linked to a distinction between married and unmarried persons with respect to entitlement to benefits.

In *Kane v. Ontario* Justice Coe found a breach of s.15 of the Charter stating, "there has been an historical group disadvantage suffered by the homosexual community." As in *Miron* the distinction between married and unmarried couples was not found to be reasonable or rationally connected to legislative objectives.

Coe J. disagreed with the A.G. Ontario as to those objectives: "At least one of the goals of the legislation in issue is to sustain families when one member is injured...[and it was]...crafted...as part of a legislative package designed to reduce in Ontario the volume of motor vehicle accident litigation."

Justice Coe concluded, thus, that "the denial of equal benefit contained in the legislative provisions is deliberately based only on sexual orientation and runs against the preservation of human dignity and self-worth for part of our society. He held that the definition of spouse should be expanded to include same-sex couples, and that Kelly Kane should be entitled to receive the death benefit.

It will be interesting to see how appellate courts apply *Miron* and *Egan* when *Kane v. Ontario* is appealed. Provincial governments, universities, and many businesses are rapidly moving towards provision of same-sex spousal benefits, and British Columbia is in the process of broadening the definition of spouse to include gay and lesbian couples in all of its legislation. Almost every province has included sexual orientation as a ground of discrimination in its human rights legislation, and a majority of Canadians favour legal recognition of same-sex couples.

Although the Supreme Court has on numerous occasions stated that it prefers neither to play a public-policy prescribing role nor to make decisions about the allocation of limited financial resources, unless the federal government takes the initiative and actively changes Canadian legislation to include and recognize same-sex couples, it will remain



up to our highest court of justice to defend the rights and human dignity of gays and lesbians.

\*\*\*\*\*

*Les Minorités sexuelles et le droit à le grand plaisir de vous annoncer notre prochain événement pour les étudiants gais, lesbiennes ou bisexuel(le)s: Participation à la soirée thématique "les Mardis Martini" du Sky Pub, 1474 Ste Catherine Est, Metro Beaudry, mardi, le 21 Octobre à compter de 20h30. "Les Mardis Martini" involve a live jazz band, candlelit tables, cheap martinis and a wonderfully relaxed, mixed crowd in one of Montreal's most popular gay institutions. There is a small cover charge. Sky is a combination pub, restaurant and dance club with three dance floors. For more information contact wharto\_t, bednar\_n, or ravind\_k, or 844-0408. See you there!*

## Centre de placement Le saviez-vous???

DOMINIC C. BELLEY  
COORDONNATEUR

L'automne semble bien avoir transféré ses pénates dans notre belle ville. Les feuilles ont vêtu leurs habits colorés, le vent qui souffle sait à coup sûr nous donner un air morose par sa température glaciale et bientôt (sans doute plus rapidement que nous le pensons), c'est le sol lui-même qui se vêtira de son manteau blanc. Triste portrait que celui du départ de l'été et des joies qu'il nous procure? Peut-être... Mais sachons que pour combattre le froid, rien de tel que de bouger, de s'activer...

Parmi nous, plusieurs personnes (je les en remercie chaleureusement!) ont décidé de s'impliquer ardemment dans la bonne marche de notre centre de place-

ment. Ma chère collègue Julie (qui court plus vite que son ombre) a d'ailleurs terminé près d'une dizaine d'ateliers de formation pour tous ces bénévoles dont la mission première sera celle de catalyseur. Je vous en avais parlé lors de ma première intervention, et bien je suis fier de vous annoncer que la pierre angulaire de nos services aux étudiants est maintenant assise sur des bases solides. Nos bureaux seront ouverts de 9h00 à 5h00 chaque jour et, à toutes fins pratiques, il y aura toujours un bénévole pour répondre à vos questions (...et nous attendons incessamment les réponses de quelques-uns de nos confrères souhaitant offrir leur disponibilité pour les quelques heures disponibles). N'hésitez jamais à demander quoi que ce soit aux bénévoles. Ils sont les experts #1 de la documentation (Julie leur a d'ailleurs transmis tout son savoir à ce sujet, sauf quelques secrets d'État). De plus, si une brochure ou une source documentaire particulière est manquante ou est inconnue des bénévoles, c'est à eux d'en faire la remarque. Nous nous chargerons ainsi, avec vos suggestions, de compléter, autant que faire se peut, notre stock avec les informations les plus récentes et les plus utiles pour vous.

J'aimerais aussi mettre en lumière une source d'information qui semble inconnue de la plupart d'entre vous. Enfin, si peu de gens m'ont effectivement demandé des informations à propos de cette source, pourtant regorgeante d'informations, que j'ai l'impression que j'en suis le seul utilisateur. Nous avons à nos bureaux une banque de données informatique contenant les coordonnées générales et professionnelles de plus de 500 anciens de notre faculté. Cette banque de données, du nom de *Alumni Network Database* fonctionne grâce au logiciel *Access* et est accessible à tous. D'une utilisation simple comme bonjour, vous pouvez obtenir grâce à elle des contacts privilégiés (si je puis m'exprimer ainsi sans créer des espoirs démesurément grands) avec des anciens, dans diverses villes à travers le monde, pratiquant dans de multiples domaines et qui sont désireux de partager avec vous leurs expériences tout en prodiguant des conseils judicieux. Allez donc essayer cet

outil et donnez-m'en des nouvelles si vous avez des problèmes (belley\_d@lsa...).

Mais attention chers amis, ma mise au point sur nos ressources et services n'est pas finie. Vous pouvez également aller à la bibliothèque jeter un oeil aux documents qui sont à la réserve et qui n'attendent que d'être consultés. Vous y retrouverez plusieurs guides intéressants sur la recherche intelligente, raisonnée et efficace de stages dans plusieurs juridictions (pas seulement Montréal, mais aussi Vancouver, New York, Toronto, les gouvernements, etc.) Vous pourrez aussi consulter plusieurs répertoires téléphoniques de même que des guides pour les études à l'étranger, et j'en passe. De toute façon, je ferai imprimer une liste complète de la documentation et elle sera disponible au centre de placement sous peu. D'entrée de jeu je vous avertis que je suis conscient que certains documents sont quelque peu vieillots, pour utiliser un euphémisme, mais nous travaillons incessamment à resorber cette lacune.

Je tiens également à vous rappeler que mercredi prochaine, le 8 octobre (déjà!), dans le Common Room, de 12h30 à 13h30, nous tiendrons la seconde activité de nos Luncheon Series. Julie a réussi à nous concocter un savant mélange de praticiens impliqués de très près dans la sélection des candidats aux stages qui viendront nous entretenir de la rédaction efficace de curriculum vitae et de lettre de présentation.

Finalement, il est bon à ce moment-ci de vous parler d'un de nos plus importants projets. Vous savez sans doute que la Vice-Doyenne Robin Geller, qui travaille sans relâche avec nous au bureau de placement, a tenu la semaine dernière une rencontre avec les étudiants de troisième et quatrième année qui n'ont pas encore obtenu un emploi ou un stage. Elle a effectivement décidé d'accorder une attention particulière à ces gens qui voudraient une aide un peu plus directe ou personnalisée alors que leurs études sont sur le point de se terminer. Eh bien sachez que cette initiative ne saura pas rester lettre morte. Nous désirons élargir la portée de cette démarche en impliquant tous les étudiants de notre faculté. Pour



ce faire, nous en sommes à la préparation d'un document qui devra être impérativement rempli par tous les étudiants de notre faculté et qui donnera aux responsables du placement les tendances à favoriser. Nous souhaitons par exemple connaître les secteurs du droit qui intéressent prioritairement nos confrères, le genre de pratique qu'ils favorisent, le genre d'emploi qu'ils ont occupé dans le passé, etc. Je vous tiendrai au courant à propos de cette initiative, mais déjà

(j'espère que vous ressentez la même frénésie que moi) je sens que cela deviendra un outil fort utile qui nous permettra de focaliser nos énergies sur les choix de nos confrères et d'obtenir un degré d'efficacité qui soit digne de nos ambitions!

Entre temps, s'il advient que le soleil décide de louer une partie du ciel aux nuages et que votre quartier se rechauffe sous son rayonnement, n'oubliez pas d'en profiter. La vie est belle sous le soleil!

## Re: Lessons to be learned from Maclean's

DIDIER FRÉCHETTE  
BCL II

Je voudrais ajouter un court commentaire pour compléter l'article de Victor N. Constantinescu au sujet de la classification des facultés de droit établie par le magazine torontois *Maclean's* ("Lessons to be Learned from *Maclean's*" 14 octobre).

Chacun d'entre nous a sûrement réalisé que l'étude de *Maclean's* ne considère que la section common law de McGill. Ceci se justifie probablement par le fait que les lecteurs de *Maclean's* proviennent majoritairement des provinces common law.

Toutefois, il ne faut jamais l'oublier lorsqu'on lit l'article car cela a pour effet de fausser certaines statistiques, tant en faveur qu'en défaveur de notre faculté. Ainsi, en considérant que la faculté de droit de McGill n'est constituée que de 196 étudiants à temps plein (au lieu d'environ 550 sinon 600 en incluant les étudiants de droit civil), on réalise que des statistiques telles que le "nombre d'étudiants par ordinateur" ou "le nombre d'étudiants pour chaque professeur à temps plein" favorisent injustement McGill puisque ce nombre serait moins élevé en considérant l'ensemble de la population étudiante.

D'un autre côté, des statistiques telles que le "percentage of applicants who said yes" (pour McGill il serait de

56%) est moins élevé qu'il ne l'est en réalité étant donné que, pour la plupart des étudiants de droit civil, McGill était leur premier choix.

Je ne prétends pas que cette étude n'a aucune pertinence, mais seulement qu'il est regrettable qu'elle ne représente pas correctement la réalité.

## Pilgrims outlaw hockey!

WHITE FISHER

Okay, so not exactly. But the sudden arrival of large, steaming, flightless birds did put something of a dent in the intramural schedule. Thus, I have no games with which to make hay herein. However, tune in next week for an overflowing column courtesy of your Man at McConnell. In the meantime, here are some games you should consider attending. C'mon. I'm buying at the Brass<sup>1</sup>!

Wed 22 Oct, 20:30 : **Malum in Se** vs. Enforcers (Women's A)

Fri 24 Oct, 23:30: **Prosecutors** vs. Ethnic (Men's A)

Sun 26 Oct, 19:00: **Chix With Stix** vs. Ice Sharks (Women's B)

Tues 28 Oct, 22:30: **Spawn of Fagan** vs. Rumrunners (Men's B)

Sun 2 Nov, 1800: **Semper Tyrannis** vs. Oral Wonders (Men's D)

- David White, Nat IV

<sup>1</sup> White Fisher is hereby indebted to the tune of one (1) glass of domestic and/or cheap beer per patron of the McGill Faculty of Law noticed in a visual or aural manner by said White Fisher to be supporting a McGill Faculty of Law intramural hockey team at each hockey game as listed above redeemable at the establishment formally known as the Brasserie des Pins when said White Fisher is both in attendance at one of the aforementioned hockey games and in attendance at the aforementioned Brasserie des Pins after same. This is not a guarantee.

## New York Trip: Kick yourself if you didn't come

SUZANNE DAVIES  
LL B I

Four short weeks into law school and I find myself with three other fearless first years in New York City at the Museum of Modern Art, looking at a picture of the Fontainebleau Hotel in Miami. A month ago this would have been just another photograph, but after a few of Professor Benson's Torts classes I noticed that the lighting in the lobby was not as good as it might have been. Could it be that the Eden Rock Hotel was casting a shadow?

Well if you missed this trip (as many of you did), shame on you. Not only is New York a very cool town, but it was a fun bunch of folks crammed into those two mini vans. Although the United Nations tour wasn't quite what it was



cracked up to be (the General Assembly was meeting), it was worthwhile nonetheless. Due to security for the meetings, we weren't allowed to see the interesting parts of the building, and instead had an informative tour of the lobby. Who knew that Canada's donation to the UN is a revolving glass door at the main entrance? And that Boutros Boutros Ghali translated into English means "Peter Peter Expensive"? (This bit of info courtesy of Ameena Sultan, not the tour guide). With the rest of the Big Apple to check out in 2-1/2 days, we moved on.

On a highly significant cultural note, picture Sonic Youth's guitarist Thurston Moore (a punk rock icon) and Cecil Taylor, an experimental jazz pianist, jamming together. Please take a moment to reflect on the sheer importance of this event... New York is probably the only city anywhere that people are told to be quiet in a club - yes, it happened to us. Loud, smoky, packed club, and we are told to 'shhh'. Apparently only the locals are allowed to have this much fun. Other musical adventures of the group included everything from gospel in Harlem, to death metal at CBGB's to Broadway's big hit "Rent".

In keeping with the 'law' theme of the trip, a few of us headed to the Village to catch a play about the trials of Oscar Wilde, who was charged with gross indecency and later served two years hard labour. I'm definitely inspired to put down my Property book and read some of Wilde's stuff - we laughed, we cried, and we raved about it the rest of the weekend until we drove Mario mad.

Speaking of Mario, anyone who can organize this fantastic trip and put up with tone deaf people singing ABBA in the van for hours on end deserves a high five. So for those of you who missed the trip, don't do it again.

Note: Rumour has it that a certain McGill Law student (not to name names, but he's VP External) somehow ended up with an extra bottle of wine hidden in his jacket after leaving a restaurant. Accident? Lie? Exaggeration? Only he knows for sure.

# BEN'S RE-TORT

## B

### Undergrad perspectives on law school

BENJAMIN ARCHIBALD  
LL B I

Throughout my undergraduate years I often wondered what the point of my education was. In other words, was education an end in itself, a process of growth and self examination? Or, conversely, was it merely a means to a particular end, simply a means of getting in to law school or finding a job?

Now that I have spent a month or so in law school, I have come to recognize that undergrad was both a means to an end as well as an end in itself.

The maturation process that takes place in those years is crucial to one's development. While the studies one undertakes help develop a student's sense of self, education is also a means of securing employment or a place in either a graduate or professional school.

Upon entering law school, one can take a critical approach towards the law based on the intellectual identity formed at the undergraduate level. Clearly my studies in political theory have allowed me to understand the beast that is law school from a philosophical perspective.

I remember reading Aristotle, among others, and wondering when, if ever, this information would be "useful". Well, I'm happy to report that McGill has proven to be the ideal microcosm of the statement that men and women are political animals. Just like the theoretical model which discusses humanity's lust for power and prestige, the law student seeks power.

Thomas Hobbes's *Leviathan* is rather apt at describing humanity's three drives: glory, diffidence, and gain. While studying philosophy I wondered what Hobbes had to do with the real world.

Apparently, a lot. In my class alone there have been three elections and a by-election. In addition, my Foundations course has a three-person governing council, monitoring our class governance contract. It seems that wherever I go I meet yet another "committee" member.

Being the cynic that I am, I can't help but see through the political maneuvering at McGill. Students are seeking power and are trying to look good while doing it. The C.V. padders are everywhere, running for office, making speeches and ultimately doing what most politicians do: taking themselves far too seriously.

Apparently one student in particular has had the audacity to create his own column in the *Quid*. He is not particularly qualified, all he has is a degree in political theory, and what is that good for!

The juxtaposition of political thought and law student ambition is a unique way of retaining a sense of self-importance in law school. Taken at face value, McGill is a great place to be. Factoring in C.V. padding and the recent *Maclean's* article, we should all head to the University of New Brunswick!

As long as student politicians are able to recognize that their political office is not aimed at changing the world but at making McGill a fun place to be, Hobbesian analogies will have no place in this column again!



# ... Job application

CONT'D FROM PAGE 3

présentations, remplies d'humour et d'anecdotes, nous ont permis, entre autres, de savoir qu'il ne fallait pas envoyer notre c.v. sous forme de mise en demeure ; ou encore qu'il valait mieux changer le message humoristique de notre répondeur lorsque vient le temps des entrevues, parce que les recruteurs pourraient ne pas aimer nos messages originaux, pour utiliser un euphémisme.

On a more serious note, I would like to briefly go over what was said during the seminar with the following lists of rules on preparing brilliant cover letters and selling resumes. The lists will be available upon request at the Placement Office.

Ten Rules on How to Write a Brilliant Cover Letter:

1. KEEP IT SHORT. Recruiters receive hundreds of applications at once and the last thing you want to do is to bore them. A one-pager will do.

2. ADDRESS IT TO THE RIGHT PERSON. Recruiters tell us that they often see letters addressed to lawyers that are no longer with the firm or even worse, addressed to the wrong firm. Also, no "To whom it may concern." You can pick up the phone and call the firm to find out who to address it to, or simply address it "To the Recruiting Committee"

3. NO GRAMMAR OR SPELLING MISTAKES. At least try not to make an obvious mistake that would show a lack of professionalism (eg. "Aritcling" instead of "Articling"). Remember that for the first round of the selection process, recruiters are only looking for reasons to throw your application in the waste basket. Be careful.

4. A BAD GRADE OR A BAD SEMESTER can be explained briefly in the letter. If you were in a difficult situation at one point during your studies in the Faculty and that has hurt your CGPA tremendously, mention it but do not make it sound like an excuse. They will give you the benefit of the doubt.

5. "REFERENCES AVAILABLE UPON REQUEST" should not be used. If you have good references, include them in your application (see Rule #7 on the Resume).

6. IF YOUR GRADES ARE NOT FANTASTIC, the letter is your opportunity to bring up your special characteristics that make you a very good candidate regardless of grades. Due to the large amount of applications received, grades are looked at first and if they are not sufficient, the letter and c.v. will be

scanned (it's like doing a search on QuickLaw, looking for the words "special" and "extraordinary" do it and you will probably find 324,876 documents) therefore, you should define and highlight your strengths as boldly as possible.

7. SHOWING THAT YOU HAVE RESEARCHED THE FIRM is always a plus. Some firms will value it more than others and the sad thing is that we do not know which ones do. Therefore, do your homework. For example, it means know when you are applying to Woods and Partners that they are a small firm specialized in litigation and that McCarthy Tétrault is a large general practice firm.

8. KEEP IT SIMPLE. Do not be overly creative. Again, they are looking for reasons to throw your application out the window.

9. IF YOU KNOW SOMEONE IN THE FIRM, mention it briefly. Do not make it seem like you want to receive a special treatment from the firm.

10. IF YOU ONLY WANT TO PRACTICE IN ONE AREA OF LAW (for example, Taxation) mention it but realize that it may close some doors. If you are not sure of what you want to do yet, leave it open. The articling experience will often allow you the opportunity to experience several areas of law, then you can make your choice.

Règles pour un Curriculum vitae accrochant:

1. NE PAS DEPENSER UNE FORTUNE EN ACHETANT DU TRES BEAU PAPIER. Ça n'en vaut pas la peine puisque les c.v. sont photocopiés plusieurs fois et distribués un peu partout dans le cabinet tandis que votre beau papier, lui, demeure oublié sous une pile de documents.

2. ASSUREZ-VOUS QUE L'ADRESSE ET LE NUMERO DE TELEPHONE figurant dans l'entité soient corrects. Aussi, assurez-vous qu'il y ait un répondeur pour prendre vos messages dans la journée, les avocats n'aiment pas courir après vous (et rappelez-vous de changer votre message...).

3. ENVOYEZ VOTRE C.V. PAR LA POSTE (et non par fax) dans une grande enveloppe de sorte que votre c.v. ne sera pas plié. Il est suggéré aussi de ne pas brocher le tout mais de l'attacher avec un simple trombone.

4. LES ETUDES PRIMAIRES ET SECONDAIRES NE COMPTENT PLUS. Indiquez dans votre c.v. vos études collégiales et universitaires passées. En ce qui a trait au relevé de notes, il est nécessaire d'y inclure celui de la Faculté de droit et ensuite celui des études antérieures. Il n'est pas nécessaire de faire parvenir vos notes du Cégep (si vous avez été admis à McGill directement du Cégep, vos

notes sont sans aucun doute extraordinaires et les recruteurs le savent).

5. INDIQUEZ LES LANGUES PARLEES ET ECRITES. La majorité des cabinets accordent de l'importance aux aptitudes linguistiques. Alors, si vous parlez deux, trois ou même quatre langues, n'hésitez pas à l'indiquer, il s'agit d'un atout important en votre faveur.

6. LES EXPERIENCES DE TRAVAIL DOIVENT ETRE ELABOREES. Tentez de faire ressortir ce que l'expérience vous a apporté sur les plans professionnel et personnel. Si vous avez beaucoup d'expériences de travail, il s'agit d'un atout important. Si vous en avez moins, il faut faire preuve de créativité et démontrer que vous possédez néanmoins toutes les qualités requises pour vous mériter un poste.

7. LES LETTRES DE REFERENCE PEUVENT ETRE ATTACHEES AU C.V.. Assurez-vous que la personne qui vous réfère est en mesure de bien vous évaluer. Une lettre de référence mentionnant simplement que vous êtes ponctuel et responsable ; aura plutôt tendance à jouer contre vous. Certains recruteurs préfèrent les lettres de référence reliées au droit, donc écrites par un professeur, un avocat ou un juge auprès de qui vous avez travaillé. Malheureusement, il n'y a pas de règle d'or ici, votre jugement est votre meilleure arme.

8. SOYEZ CONCIS EN DEMONSTRANT UN ESPRIT DE SYNTHESE. Un c.v. de deux pages est l'idéal. N'en faites pas une maladie par contre: les étudiants ayant plus d'expérience peuvent se permettre d'inclure une troisième page.

9. SOYEZ HONNETE. Il faut se rendre compte que les recruteurs se servent du c.v. pour générer une discussion lors de l'entrevue. Me. Metcalfe nous parla d'un étudiant passionné de lecture qui, lorsque questionné sur le dernier bouquin lu, ne se rappelait pas très bien de l'histoire tandis que l'avocat recruteur, comble de désespoir, avait fait lecture de ce même livre récemment... plutôt embarrassant n'est-ce pas?

10. EVITEZ LES RENSEIGNEMENTS TROP PERSONNELS. Ne pas inclure votre bge, votre poids et grandeur, votre numéro de permis de conduire, votre photo, etc.

The next Placement Luncheon Seminar will be on the Interview Process and it promises to be as memorable as the last one. Come in great numbers and ask the lawyers all the questions you want on November 5th at 12:30 in the Common Room. The seminar will be sponsored by McMILLAN BINCH (Toronto).



Sixth Annual McGill Lecture in Jurisprudence and Public Policy

**Michael Sandel**

Harvard University

Author of *Liberalism and the Limits of Justice*

**Democracy's Discontent:  
Political Identity in a Global Age**

11

Thursday, October 23, 1997, 17h30

Faculty of Law, Moot Court

New Chancellor Day Hall, 3644 Peel Street

*Inquiries: Peter Benson (514) 398-6618*



## Caprices...

### SUITE DE LA UNE

et des frustrations d'un finissant de cette auguste faculté, malencontreusement classée 6è par *MacLean's*. Au fait, cette évaluation par laquelle le scandale arrive ne visait que les facultés... de common law! Alors les déçus parmi nous peuvent toujours prétendre que si la Faculté de droit dans son entier avait été prise en considération -y compris tous les étudiants venant directement du CEGEP, trop souvent livrés aux critiques de leurs collègues plus instruits- le jugement de la *Royal Institution for the Advancement of Learning* aurait sans doute été plus favorable...

Le secret aurait été d'inviter les "évaluateurs" au Coffee House! Je vous le jure, s'ils avaient pu participer à la conversation si agréable que j'ai eu jeudi passé -et qui se termina au Café Sarajevo, lieu rêvé pour tout Épicurien qui se respecte- notre rang aurait monté en flèche. Merci encore Alexandra, Axel et Catherine!

That being said, I have one criticism which, as a grumpy fourth year student, I feel I must make. Are there any oldtimers out there who feel nostalgic about being able to get a spot in the computer room without standing in line for 15 minutes? You know, there was a time in this faculty where one could walk in the lab and be *almost certain* to find a computer not being used! True fact. This situation would change during memo and factum weeks but all in all, these computers were *available*. I don't know what happened this year, although I feel it has to do with certain professors suggesting that first year students spend on average two hours per week surfing the Net for relevant sites.

That is all well and good but it makes it next to impossible for E-mail users to regularly read their messages and keep abreast of what is going on in the Faculty. This is just a suggestion, but wouldn't it help if we selected three terminals and restricted them to E-mail (as we do in the library)? This would

make for a faster rotation of the students wishing to use the computers for short periods of time while allowing others to spend more time surfing the net and writing papers, undisturbed by the evil eyes of grumpy upper year students waiting in line.

Voilà pour cette semaine. Si on ne me reproche pas trop mes élucubrations présentes, je vous reviens au prochain *Quid*.

P. S. :

L'automne est parfois une saison d'idylles, de grands amours et de folles passions. Si elle vous affecte, dites-le donc à l'objet de vos désirs: les gens ne le savent vraiment jamais et je n'ai encore rencontré personne à qui une déclaration d'amour ne fait pas plaisir.

*Philippe Dufresne is a fourth year former CEGEP student who loves Roman Law and has altogether too much time on his hands. You can find him pretending to study Hegel in Thompson House between a squash game and an ADR night class.*

## Overbearing Love

SOULETTE GRAY

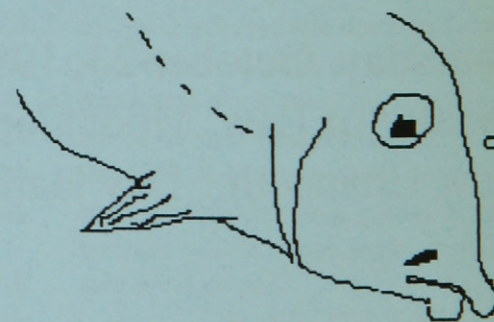
BCL II

When Our need to be needed  
Is too deep seated and too often heeded  
It can become blind to its own potent concentration  
The flame of admiration leads to alienation  
The one wants to pamper  
While the other wants to scamper  
Isn't this path "o" logical?  
Isn't this behaviour, well a little... radical?  
Affection without decency  
Presents among other things a terminological discrepancy  
It is unruly neediness and it is a fetish  
In expert manipulators its cloak is sheepish...  
But what makes the neuro- tic?  
Bad timing. Fix that clock... be quick!  
Its hands have seized to be caring  
Its love has become overbearing  
Possessive love is worst than hate  
Because it has a tendency to smile and suffocate.

## Cod piece

MATIAS MILET

LL B II



Two codfish, a male and female, went forth from their spawning bed on the Gulf of St. Lawrence. The female swum into a bay on the coast of the island of Miquelon. Endowed with good manners, and finding herself in a French jurisdiction, she reasoned that she should now call herself no mere cod, but a code civil. The male fish got sick from heavy lead that came from the Great Lakes, so that he needed a

codpiece to cover his deformity. He felt that these "L" words, like lead and lakes, were doing him no good, but now they had become intertwined with his fate, his very being. With sober resignation, he decided to absorb the letter "I" into his name; feeling himself to be the prototypical sick, polluted fish, he said to the plankton around him, "Look at me, I am the common cold."